IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WP(C).No. 15531 of 2007(Y)

PETITIONER:

C.C.BABY, S/O.LATE C.A.CHAKO,
CHIRAYATH HOUSE, HOUSE NO.454/B/50,
MANIMALA CROSS ROAD, EDAPPALLY, KOCHI-24.

BY ADV. SRI.R.RAMADAS

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
THE CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION (G) DEPARTMENT,
GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT.LAKSHMI RANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.15531 OF 2007

Dated this the 25th day of May, 2007

JUDGMENT

Petitioner claims that his actual date of birth is May 11, 1953. But in his school and other official records his date of birth was wrongly shown as May 11, 1952. According to the petitioner, it was a bonafide mistake. He wanted to get the mistake rectified. Therefore, he applied for correction of his date of birth in his school records before respondent no.2, the Secretary to Government, General Education (G) Department. The said application has been rejected as revealed from Ext.P9 order. It is contented by the petitioner that Ext.P9 order passed by the Government in this regard is illegal and unsustainable.

2. I am unable to agree with the above contention. It is beyond controversy that the correction/alteration of date of birth can be effected in appropriate cases as provided in Chapter VI of the Kerala Education Rules. Rule 3 of Chapter VI of the Rules stipulates that any request for alteration has to

be made by a student within 15 years from the date of leaving the school or the date of appearing for the S.S.L.C. examination for the last time whichever is earlier. The note under Rule 3 further postulates that the Government shall consider the request for condonation of delay in making application for correction of date of birth in school records, in deserving cases, on merits, provided that the applicant is within 50 years of age as per the original entry in the school records (emphasis supplied in Ext.P9).

3. In Ext.P9 the Government has noticed that the petitioner had crossed the age of 50 as per the original entry made in his school records. Apparently petitioner had not made any application for correction of his date of birth within 15 years of his leaving the school. He has crossed the age of 50 as well. It has to be remembered that the petitioner being an officer in a scheduled bank could not have been unaware of his date of birth. On several occasions in his official career he must have had occasion to refer to his date of birth. He

had chosen to approach the appropriate authority at the fag end of his career. This cannot be permitted. There is no illegality or irregularity in the view taken by the Government. Therefore, there is no merit in the prayer made by the petitioner in this writ petition.

The writ petition fails and it is accordingly dismissed in limine.

A.K.BASHEER, JUDGE

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